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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/737,293 | 12/16/2003 | Bernhard Dunzinger | 30071/39756 | 7684 |

4743 7590 09/26/2007
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| EXAMINER |
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MCDOWELL, SUZANNE E

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| ART UNIT | PAPER NUMBER |
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1732

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| MAIL DATE | DELIVERY MODE |
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/737,293 | Applicant(s) DUNZINGER ET AL. | |
| | Examiner Suzanne E. McDowell | Art Unit 1732 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is confusing because it contains the limitation "third" station, but the preceding claims in the dependency do not claim a second station. A second station is claimed in claim 6, but claim 9 is not dependent on claim 6 or 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter (US Patent 6,189,701). Winter teaches the basic method and device for inspecting plastic preforms in a blow molding process as follows: a preform repository, heating station, and blow molding device with a conveyer track located therebetween (column 3, lines 49-53); a CCD camera which acts as an inspection station (15) and

is positioned upstream of a preform screening area (100); a photoelectric barrier (23) which monitors the paths of the preforms from the inspection station (15) to the screening area (100); a pusher (13) located in the screening area (100) and is operated by a pneumatic cylinder (31). Operation of the device taught by Winter is as follows: holding a preform (1) in place while it moves past the camera (15); allowing the camera to detect irregularities, damage, or defects in the preform, particularly in the mouth area (column 5, lines 19-21); automatically triggering a signal if a defect is discovered (column 5, lines 21-22); utilizing the photoelectric barrier (23) to enable a control device to monitor the path of the preform identified by the camera as being defective; transmitting a pulse to the pneumatic cylinder (31) and causing the pusher (13) to hit the defective preform, causing the defective preform to fall into a screening container (39); and allowing nondefective preforms to continue along the conveyer track to the heating station and blow molding station (column 6, lines 1-7).

Regarding claims 1, 2, 3, and 5, Winter does not teach that the sorting station is located after the heating station or that some of the defective preforms are sorted after heating. Winter does teach that several different inspection stations may be arranged in order to inspect different parameters (column 3, lines 15-17). This encourages routine experimentation in the type and location of inspection stations. Further, it is generally well known in the art to locate inspection and/or sorting stations in the line of a continuous heating/blow molding process, depending upon preform temperature, preform material, preform characteristics, etc. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Winter and sort some defective preforms after heating, in order to have a more streamlined process.

Regarding claims 4 and 6, Winter does teach that several different inspection stations may be arranged in order to inspect different parameters (column 3, lines 15-17).

Regarding claims 7, 10 and 11, Winter teaches sorting out defective parison prior to heating, and further teaches that the camera particularly monitors the mouth area of the preform (column 5, lines 19-21). The camera is capable of performing the function in instant claim 7.

Regarding claim 8, Winter does not teach an intake star wheel or a transfer star wheel. It is generally well known in the art to use star wheels to transport preforms, particularly in blow molding processes. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use well known devices, such as star wheels, to further define the teachings of Winter, in order to quickly and efficiently transport the preforms.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schweers (US Patent 4,693,375) (star wheels).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on Monday, Tuesday and Thursday 6am-2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Suzanne E. McDowell/
Suzanne E. McDowell
Primary Examiner
Art Unit 1732

SEM
September 13, 2007